

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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PHAROAH V. MORRIS,

Plaintiff,

v.

Case No. 05-C-0458

LETITIA LEY, *et al.*,

Defendants.

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**ORDER**

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Plaintiff Pharoah V. Morris filed a civil rights complaint pursuant to 42 U.S.C. § 1983. After the court dismissed the original complaint and two amended complaints for procedural violations, plaintiff filed a third amended complaint, which the court on September 2, 2005, ordered served upon the defendants by the United States Marshals Service. The marshals were unable to identify and to locate certain of the defendants, however, and therefore neither effected service upon nor obtained waivers from those defendants. Plaintiff now claims to have identified four unserved defendants, to wit:

Susan Wallintin (identified in complaint as “John Doe/Clothing Room Supervisor”):  
Dodge Correctional Institution, One W. Lincoln St., P.O. Box 661, Waupun, WI  
53963-0661.

Timothy Higbee: New Lisbon Correctional Institution, 2000 Progress Dive, P.O.  
Box 2000, New Lisbon, WI 53950-2000.

Timothy Douma: Oshkosh Correctional Institution, 1730 W. Snell Rd., P.O. Box  
3530, Oshkosh, WI 54903-3530.

Sgt. DeLong (identified in complaint as “CCI’s DSI First Shift Sgt. John Doe II”):  
Columbia Correctional Institution, 2925 Columbia Drive, P.O. Box 950, Portage,  
WI 53901-0950.

Plaintiff moved for service upon the above-identified defendants before the expiration of the time for service provided in the court's Order of December 23, 2005. The court will accordingly order service upon the above-identified defendants and will extend the time for service by sixty days from the date of this Order.

**IT IS THEREFORE ORDERED** that the U.S. Marshals Service shall serve a copy of plaintiff's third amended complaint, this Order, the court's Order of September 2, a waiver of service form and/or the summons, upon the defendants identified herein pursuant to Fed. R. Civ. P. 4. Plaintiff is advised that Congress requires the U.S. Marshals Service to charge for making or attempting to make such service. 28 U.S.C. § 1921(b). The current fee for waiver-of-service packages is \$8.00 per item. The full fee schedule is provided in 28 C.F.R. § 0.114(a)(2), (a)(3). Even though Congress requires the court to order service by the U.S. Marshals Service when an impoverished person is permitted to proceed in forma pauperis, Congress has not provided for these fees to be waived, either by the court or the U.S. Marshals Service.

**IT IS ALSO ORDERED** that the defendants identified herein shall file a responsive pleading to the plaintiff's third amended complaint.

Dated this 2nd day of March, 2006.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge